

1 Dean T. Kirby, Jr. Calif. Bar No. 090114
2 Leonard J. Ackerman Calif. Bar No. 171073
2 KIRBY & MCGUINN, A P.C.
3 600 B Street, Suite 1950
3 San Diego, California 92101-4515
4 Telephone: (619) 685-4000 Facsimile: (619) 685-4004
4 dkirby@kirbymac.com
lackerman@kirbymac.com

5
6 Michelle L. Abrams Nev. Bar No. 5565
6 MICHELLE L. ABRAMS, LTD.
7 7201 West Lake Meade Blvd., Suite 210
7 Las Vegas, NV 89128
8 Telephone: (702) 233-5040 Facsimile (702) 233-2209
8 mabrams@mabramslaw.com

9 Attorneys for Creditor
10 Debt Acquisition Company of America V

10 UNITED STATES BANKRUPTCY COURT

11 District of Nevada

12 In re) Case No. BK-S-06-10725 LBR
13 USA COMMERCIAL MORTGAGE COMPANY) DECLARATION OF HOWARD JUSTUS
14 Debtor.) IN OPPOSITION TO PLAN
15 In re) CONFIRMATION
16 USA CAPITAL REALTY ADVISORS, LLC) (AFFECTS ALL DEBTORS)
17 Debtor.) DATE: December 19, 2006
18 In re) TIME: 10:00 a.m.
19 USA CAPITAL DIVERSIFIED TRUST FUND, LLC)
20 Debtor.)
21 In re)
22 USA CAPITAL FIRST TRUST DEED FUND, LLC)
23 Debtor.)
24 In re)
25 USA COMMERCIAL MORTGAGE COMPANY)
26 Debtor.)
25 Affects:)
26 All Debtors)
26 USA Commercial Mortgage Company)
27 USA Capital Realty Advisors, LLC)
27 USA Capital Diversified Trust Fund, LLC)
28 USA Capital First Trust Deed Fund, LLC)
28 USA Securities, LLC)

1 I, Howard Justus, declare:

2 1. I am the President of Debt Acquisition Company of America V. I have personal
3 knowledge of the facts stated herein and could and would competently testify thereto if called as a
4 witness.

5 2. DACA began purchasing the interests of Direct Lenders in loans serviced by USA
6 Commercial Mortgage Company, the Debtor in Possession, in September, 2006. Depending upon the
7 perceived liquidity and risk associated with each such loan, DACA has purchased these interests for
8 cash in amounts ranging from 70% to 88% of the loan balance. DACA has so far accepted assignments
9 from a total of ~~50~~⁵² Direct Lenders, of loan interests totaling approximately ~~\$3.6~~^{4.2} Million in principal
10 amount. Exhibit A is a list of the Direct Lender interests acquired by DACA so far. .

11 3. DACA has also purchased a total of 15 claims in this case of the type referred to the
12 Debtors' Plan as "Unremitted Principal Claims." These claims total \$399,222.50.. Exhibit B is a list
13 of the Unremitted Principal Claims acquired by DACA so far.

14 4. DACA opposes confirmation of the Debtors' Plan, and does not agree to the purported
15 compromise provisions contained in it. DACA does not waive any rights or defenses that it may have
16 as a counterparty to the various Loan Servicing Agreements.

17 I declare under penalty of perjury under the laws of the United States that the foregoing is true
18 and correct and that this Declaration is executed on ~~December~~ November 11, 2006 at San Diego, California.

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20 
21 HOWARD JUSTUS
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Exhibit A: Direct Lender Interests

Debtor	NAME	Note Amount
<i>USA Commercial-Bay Pompano Notes</i>		
	Barbara J. Vivero Trustee of the Barbara J. V	\$23,752.84
	Christopher Dickinson & Patricia Dickinson, h	\$47,505.68
	First Savings Bank Custodian Tana Stigile IR	\$23,752.84
	Janice A. Magrisi & Phillip W. Dickinson, an	\$23,752.84
	John D. Eichhorn & Jill A. Eichhorn	\$47,505.68
	Joyce A. Hayward Trustee of the 1985 Hayw	\$47,888.79
	Larry D. Sargent & Marjean Sargent	\$23,752.84
	Lori Dietzman and William Dietzman	\$24,212.00
	Peter A. Bolino & Fabiola A. Bolino Trustees	\$34,567.00
	Sapourn Legacy, LLC,a FL limited liability co	\$71,258.52
	Taylor Samuels Trustee of the Samuels 1999	\$47,505.68
<i>Summary for 'Debtor Number' = 4553 (11 detail records)</i>		
Sum		415,454.71
<i>USA Commercial - Marlton Square</i>		
	Frank J. Belmonte Trustee of the Belmonte F	\$53,367.16
<i>Summary for 'Debtor Number' = 4568 (1 detail record)</i>		
Sum		53,367.16
<i>USA Commercial - Fiesta Oak</i>		
	Alan B. Friedman, a single man	\$100,000.00
	Albert J. Mineconzo Trustee of the Albert J.	\$50,000.00
	Anna S. Knobel Trustee of the 1996 Knobel T	\$150,000.00
	Benjamin J. Solomon & Margaret C. Solomo	\$250,000.00
	Charles Sass	\$50,000.00
	Daniel C. Barcia, a married man dealing with	\$50,000.00
	David Joyce, a married man dealing with his	\$75,000.00
	David M. Jacobson & Cristina Jacobson Trus	\$100,000.00
	Donald H. Forbes & Raquel R. Forbes Truste	\$50,000.00
	Dorothy Ellis, a single woman	\$40,000.00
	Edward Roldan and Stephanie K. Roldan, hu	\$100,000.00
	First Savings Bank Custodian For Herbert R.	\$50,000.00
	Gazella Teague Trustee of the Gazella Teag	\$50,000.00
	Gregory D. Yonai Trustee of the Gregory D.	\$50,000.00
	James D. Gillmore & Lynn M. Gillmore Truste	\$50,000.00
	James N. Nicksick & Z. Kay Nicksick Trustee	\$50,000.00
	Jill Chioino & John Choe, husband & wife, as	\$75,000.00

Debtor	NAME	Note Amount
	John Borkoski & Kathleen Borkoski, husband	\$50,000.00
	Karyn Rae Sherman Trustee of the Jeanne	\$50,000.00
	Kenneth D. Coxey & Valerie Coxey Trustees	\$100,000.00
	Leonard Baker & Barbara Baker Co-Trustees	\$50,000.00
	Leslie F. Kerns & Alma D. Kerns, husband &	\$50,000.00
	Mario M. Lommori & Clarice E. Lommori Trus	\$50,000.00
	Mary Monica Cady	\$50,000.00
	Richard A. Helmberger & Genene M. Helmbe	\$100,000.00
	Robert L. Hansen & Patricia S. Hansen, husb	\$50,000.00
	Robert Lundberg, a married man dealing with	\$65,000.00
	ROBERT S. LOUIS AND ROSE M. LOUIS, T	\$50,000.00
	Robert T Chylak & Barbara M Chylak Trustee	\$60,000.00
	Rocklin/Redding LLC	\$375,697.13
	Rocklin/Redding LLC 2	\$624,302.87
	Stefan R. Cavin, an unmarried man	\$50,000.00
	Teri L. Melvin, a single woman	\$100,000.00
	Tina K.L. Low Wood Trustee of the Wood Fa	\$50,000.00
<i>Summary for 'Debtor Number' = 4611 (34 detail records)</i>		
Sum		3,265,000.00
<i>USA Commercial - Fiesta StoneRidge</i>		
	GREGORY D. YONAI TRUSTEE OF THE G	\$25,000.00
	MATTHEW MOLITCH TRUSTEE OF THE M	\$100,000.00
	NORMAN KIVEN, A MARRIED MAN DEALIN	\$100,000.00
	PORTER A. HURT, A SINGLE MAN	\$100,000.00
	THOMAS AVENA & CINDY AVENA, HUSBA	\$100,000.00
	ZOE BROWN TRUSTEE OF THE ZOE BRO	\$25,000.00
<i>Summary for 'Debtor Number' = 4640 (6 detail records)</i>		
Sum		450,000.00
Grand Total		4,183,821.87

Exhibit B: Claims Assigned

<i>Debtor</i>	<i>NAME</i>	<i>Claim Amount</i>
<i>USA Commercial Mortgage-BK Claims</i>		
Barbara J. Vivero Trustee of the Barbara J. V		\$12,951.80
Christopher Dickinson & Patricia Dickinson, h		\$25,903.59
First Savings Bank Custodian Tana Stigile IRA		\$12,951.80
Gary E. Topp, a married man dealing with his		\$41,666.67
Janice A. Magrisi & Phillip W. Dickinson, an		\$12,951.80
John D. Eichhorn & Jill A. Eichhorn		\$25,903.59
Joyce A. Hayward Trustee of the 1985 Hayward		\$25,903.59
Larry D. Sargent & Marjean Sargent		\$12,951.80
Lori Dietzman and William Dietzman		\$12,951.80
M & R M, LLC, a Nevada limited liability comp		\$108,961.19
Peter A. Bolino & Fabiola A. Bolino Trustees		\$19,427.69
Sapourn Legacy, LLC,a FL limited liability co		\$38,855.38
Taylor Samuels Trustee of the Samuels Trust		\$145.99
Taylor Samuels Trustee of the Samuels Trust		\$21,792.24
Taylor Samuels Trustee of the Samuels Trust		\$25,903.59
<i>Summary for 'Debtor Number' = 4443 (15 detail records)</i>		
<i>Sum</i>		<i>399,222.52</i>
<i>Grand Total</i>		<i>399,222.52</i>